

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: VARRIANO-MARSTON, Elizabeth

Group Art Unit: 1772

Serial No. 09/877,757

Examiner: Patterson, Marc

Filed: 06/08/2001

Atty. Dkt. No: MARS93-DIV

For: REGISTERED MICROPERFORATED FILMS FOR MODIFIED/CONTROLLED  
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CERTIFICATE OF MAILING 37 CFR 1.10: I certify that this correspondence is being deposited on the below date with the U.S. Postal Service with sufficient postage as EXPRESS MAIL POST OFFICE TO ADDRESSEE addressed to: Mail Stop 313(c), Commissioner for Patents, PO Box 1450, Alexandria, VA22313-1450.

Date:

04/06/2005

*Debra A. Stengel*  
[X] Debra A. Stengel or [ ] Scott J. Asmus, Reg. No. 42,269

Honorable Commissioner:

Request for Continued Examination

Transmittal Letter

Applicant respectfully requests the Office accept the Request for Continued Examination (RCE) for the above-mentioned application. A petition is filed concurrent with this request to withdraw the allowed application from issuance in order to consider additional materials.

Applicant herein submits:

- 1) 1 page Request for Continued Examination PTO/SB/30;
- 2) 1 page Fees as noted in Credit Card Payment Form PTO-2038
- 3) 2 page Information Disclosure Statement;
- 4) 2 pages Forms SB/08A and SB/08B; and
- 5) Eight (8) references

## REMARKS

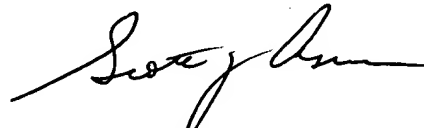
The Applicant has filed a petition herein to withdraw the allowed patent application in order to have the Office consider fourteen (14) references and a Statement submitted herewith.

No new matter is added. Applicant requests speedy consideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

This RCE is being submitted in good faith and is a bona fide attempt to advance the application pursuant to 37 CFR 1.111.

DEPOSIT ACCOUNT 500323 AUTHORIZATION - All necessary fees relating to the attached submittal, if any, are intended to be included. However, the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus, contact telephone no. 603-886-6100.

Respectfully submitted,



Vernon C. Maine, Reg. No. 37,389  
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## STATEMENTS

Pursuant to the guidelines of MPEP 1308 and in accordance with 37 CFR §1.313, Applicant requests permission to withdraw the referenced patent application from issuance after payment of the issue fee and consider the Request for Continued Examination (RCE) submitted herewith. The Issue Fee Transmittal (PTOL-85B) and Fee Address Form (PTO/SB/47) were submitted on March 15, 2005, no Issue Notification has been mailed as of this date.

Applicant is Elizabeth Varriano-Marston. Applicant requests permission to withdraw the patent application from issuance under 37 CFR §1.313(c) pursuant to the Request for Continued Examination under 37 CFR §1.114 in order to have the Office consider additional references that may be material to patentability as cited in the Information Disclosure Statement.

As noted in 37 CFR §1.56, the “public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability.” Thus, the Applicant believes that this withdrawal and consideration of additional information is necessary to ensure the quality of the patent system and establishes good and sufficient reasons for the necessity of withdrawal of the application from issuance.

A concurrent RCE is being filed and the additional references are submitted that arguably may establish a prima facie case of unpatentability, thus requiring such consideration by the Office. The Information Disclosure Statement therein contains those references for consideration.

Applicant respectfully requests that the Office withdraws the application from issue. Applicant further requests that the Office consider the Request for Continued Examination (RCE) and grant such request once said application is withdrawn. A timely review and allowance is respectfully requested.

IN THE ALTERNATIVE, if the Office is unable to withdraw from issuance or the Petition is otherwise dismissed, the Applicant wishes to withdraw the RCE request.

Furthermore, if there are any questions, Applicant would greatly appreciate a telephone call to the noted attorney to facilitate processing and expedite the present request.

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